

California Regional Water Quality Control Board
North Coast Region

Complaint No. 98-56

For

Administrative Civil Liability

In The Matter Of

Russian River County Sanitation District
For Violations Of Waste Discharge Requirements
Order No. 92-51

And The Water Quality Control Plan For
The North Coast Region

and

Sonoma County Water Agency
For Violations Of The Water Quality Control Plan For
The North Coast Region

Sonoma County

The Executive Officer of the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), hereby gives notice that:

1. The Russian River County Sanitation District (RRCSD), 2150 W. College Avenue, Santa Rosa, owns a municipal wastewater treatment facility located southeast of Vacation Beach and north of the Russian River on Neely Road. The Sonoma County Water Agency (SCWA) is under contract to operate and maintain the Russian River Wastewater Treatment Facility. The treatment facility serves the communities of Armstrong Park, Drakes Road area, Guerneville, Guerneville Park, Rio Nido and Vacation Beach. Treated effluent is disposed of by irrigation during the irrigation season and discharge to the Russian River during the discharge season.
2. The Regional Water Board adopted Waste Discharge Requirements Order No. 92-51 for the wastewater treatment facility on May 28, 1992. This Order also serves as a NPDES Permit and allows the RRCSD to discharge up to one percent of the of the flow of the receiving water October 1 through May 14 of each year.
3. The RRCSD violated a provision and effluent limitations contained in Waste Discharge Requirements, Order No. 92-51 and Waste Discharge Prohibitions contained in the Water Quality Control Plan for the North Coast Region for which the Regional Water Board may impose civil liability under Section 13385 of the California Water Code.
4. The SCWA violated Waste Discharge Prohibitions contained in the Water Quality Control Plan for the North Coast Region

for which the Regional Water Board may impose civil liability under Section 13385 of the California Water Code.

5. The RRCSD and the SCWA bypassed treatment and discharged approximately 30 million gallons of partially disinfected wastewater to the Russian River after receiving excessive inflows from a flood event in February 1998.
6. An evidentiary hearing on this matter was held before the Regional Water Board on May 28, 1998 in the Regional Water Board Meeting Room, 5550 Skylane Boulevard, Suite A, Santa Rosa, California.
7. A subsequent hearing on this matter may be held before the Regional Water Board on August 27, 1998. The RRCSD and the SCWA or its representatives will have an opportunity to be heard and to contest the allegations in this complaint and the imposition of civil liability by the Regional Water Board. However, testimony at the August hearing may be limited to new evidence that was not available at the time of the evidentiary hearing. At the August hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability or take other action.
8. The following sections of Waste Discharge Requirements, Order No. 92-51, were violated:

B. Effluent Limitations

1. Only advanced treated wastewater, as defined by the numerical limitations below shall be discharged from the wastewater treatment plant to the Russian River (Discharger Serial No. 001). The advanced treated wastewater shall be adequately disinfected, oxidized, coagulated, clarified and filtered (or equivalent), as determined by the State Department of Health Services. Advanced treated wastewater shall not contain constituents in excess of the following limits:

Daily	30-Day		7-Day		Maximum
	<u>Constituent</u>	<u>Unit</u>	<u>Average</u>	<u>Average</u>	
	Suspended Solids	mg/l	10	15	20
	Coliform Organisms	MPN/100ml	2.2	---	23
	Chlorine Residual	mg/l	---	---	0.1

4. The arithmetic mean of the BOD (20°C, 5-day) and Suspended Solids values by weight for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the values, by weight, for influent samples collected at approximately the same times during the same period (85 percent removal).

E. Provisions

13. Bypass

The intentional diversion of waste streams from any portion of a treatment facility is prohibited.

9. The following sections of Monitoring and Reporting Program No. 92-51, were violated:

Monitoring Effluent Discharge to the Russian River (Discharge Serial No. 001)

During periods of discharge to the Russian River, samples shall be collected at some point in the system prior to any discharge to the river and downstream from the last connection through which effluent can be admitted to that discharge.

The following shall constitute the surface water discharge monitoring program:

<u>Constituent</u>	<u>Units</u>	<u>Sample</u> <u>Type of Sample</u>	
<u>Frequency</u>			
Settleable Matter	ml/l	grab	daily
Turbidity	NTU	grab	weekly

10. The following section of the Water Quality Control Plan for the North Coast Region (Basin Plan) was violated:

Section 4. IMPLEMENTATION PLANS

POINT SOURCE MEASURES

WASTE DISCHARGE PROHIBITIONS:

The Regional Water Board declares that point source waste discharges, except as stipulated by the Thermal Plan, the Ocean Plan, and the action plans and policies contained in the Point Source Measures section of this Water Quality Control Plan, are prohibited in the following locations in the Region:

North Coastal Basin

4. The Russian River and its tributaries during the period of May 15 through September 30 and during all other periods when the waste discharge flow is greater than one percent of the receiving stream's flow as set forth in NPDES permits. In addition, the discharge of municipal waste during October 1 through May 14 shall be of advanced treated wastewater in accordance with effluent limitations contained in NPDES permits for each affected discharger, and shall meet a median coliform level of 2.2 MPN/100 ml.

11. The RRCSD violated Waste Discharge Requirements, Order No. 92-51 and the Basin Plan. The SCWA violated the Basin Plan.
12. The following facts are the basis for the alleged violations in this matter:
 - a. The RRWTF periodically experiences very high infiltration and inflow (I&I). These occurrences are usually associated with flooding in the lower Russian River. River water enters the collection system through plumbing fixtures of flooded homes, ajar manholes, illicit connections, and other sources. Elevated ground water also seeps into the collection system. The facility's treatment capacity may be exceeded during times of excessive I&I.
 - b. In 1997, the SCWA installed a bypass line to direct the excess influent to an emergency storage pond (1 million gallons). Stored wastewater would eventually be brought back to the headworks as flows decreased. This pipeline established more control over the flow rate through the treatment plant.
 - c. February 1998 was a very wet month. Over 29 inches of rain fell in the Guerneville area. As the influent rate increased, the SWCA treated an average of 0.80 MGD to AWT standards. The excess flow, which averaged about 1.09 MGD, was directed to the emergency storage pond. Approximately 30.5 million gallons of bypassed wastewater was directed into the storage pond between February 2 and February 28, 1998. Calcium hypochlorite was applied to the stored wastewater in an attempt at disinfection. The bypass wastewater was blended with the AWT effluent and then discharged to the Russian River. Approximately 30 million gallons of partially disinfected wastewater was discharged to the Russian River between February 3 and March 1, 1998.
 - d. The SCWA notified Regional Water Board staff as well as the appropriate local agencies within hours of the discharge to the river. An initial report was submitted within several days after the start of the discharge and follow-up reports were submitted as well.
 - e. Samples were taken after blending and prior to discharge to the Russian River. Analysis of the samples demonstrated the following violations of Order No. 92-51:
 - 27 coliform violations,
 - 2 chlorine residual violations,
 - 14 total suspended solids violations, and
 - 1 biochemical oxygen demand violation.

The violations are summarized in Staff Report Attachment 4, which is hereby incorporated and made a part of this Complaint.

- f. Samples of the AWT effluent taken prior to blending indicate adequate treatment for the 0.80 MGD of sewage not bypassed. This sampling conforms to Monitoring and Reporting Program No. 92-51. The sampling of the blended wastewater, however, did not conform to the required monitoring program. Two constituents (settleable matter and turbidity) were omitted from the list of required constituents violating the Monitoring and Reporting Program No. 92-51.
- g. The discharge also violated Section 4 of the Basin Plan for the North Coast Region. The Basin Plan requires that only AWT effluent which meets a median coliform level of 2.2 MPN/100 ml shall be discharged to the Russian River.

Proposed Civil Liability

- 13. Section 13385(a) of the California Water Code provides for the imposition of civil liabilities against dischargers who violate waste discharge requirements or prohibition issued by the Regional Water Board. Section 13385(c) defines the amount of civil liability that may be imposed by the Regional Water Board as up to \$10,000 per day of violation and \$10 per gallon of waste discharged and not cleaned up in excess of 1,000 gallons. The civil liability that could be imposed against the RRCSD and the SCWA in this matter is calculated as follows:

Twenty-seven days of bypass from February 2 through February 28, 1998.

Twenty-seven days of discharge from February 3 through March 1, 1998.

The discharge volume is estimated to be 29.64 million gallons. No cleanup of the discharge was made. Therefore, there were 29.639 million gallons discharged to the Russian River that were not cleaned up in excess of 1,000 gallons.

- 14. In determining the amount of any civil liability, the Regional Water Board took into account the nature, circumstances, extent, and gravity of the violation; whether the discharger has the ability to pay; whether the discharger has any prior history of violations; the degree of culpability; whether there were any economic savings as a result of the violation; and such other matters as justice may require. The Regional Water Board adopts the discussion of the above factors in the accompanying staff report.
- 15. The issuance of this complaint is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) pursuant to Title 14, California Code of Regulations, sections 15308 and 15321(a)(2), and Water Code section 13389.

16. The Executive Officer of the Regional Water Board was directed to issue a complaint with a proposed administrative civil liability in the amount of \$25,000 to the Russian River County Sanitation District and to issue a complaint with a proposed administrative civil liability in an amount of \$100,000 to the Sonoma County Water Agency. \$50,000 of the proposed administrative civil liability for the SCWA shall be suspended conditioned upon the satisfactory completion of Task A outlined in Cease and Desist Order No. 98-57. An additional \$50,000 of the proposed administrative civil liability for the SCWA shall be suspended conditioned upon the satisfactory completion of Task B outlined in Cease and Desist Order No. 98-57.

Waiver of Hearing

17. You may waive the right to a future hearing. If you wish to waive the hearing, please check and sign the waiver and return it together with a cashier's check or money order, made payable to the California Regional Water Quality Control Board, North Coast Region, for the amount of civil liability proposed in paragraph 16 above within 30 days of receipt of this complaint to the California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403. This settlement will not become effective until after a 30-day public comment period.

Ordered by: _____
Lee. A Michlin
Executive Officer

July 2, 1998

(rraclcom)